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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
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7 TEACHERS INSURANCE AND ANNUITY)
8 ASSOCIATION OF AMERICA,)

9 Plaintiff,)

10 vs.)

11 BENSON MATTHEWS,)

12 Defendant.)

3:18-cv-00101-RCJ-WGC

ORDER

13 This case arises out of an alleged breach of a non-compete agreement. Pending before
14 the Court are a motion for a preliminary injunction, a motion to dismiss, and a motion to stay.
15 Before the Court addresses those motions, however, it will require Plaintiff to make a more
16 definite statement of subject matter jurisdiction. Defendant's motion to dismiss is based on the
17 amount in controversy, but Plaintiff has since amended to cure that defect. (*See* Am. Compl. ¶ 5,
18 ECF No. 21). The Court is more concerned with diversity of citizenship. Plaintiff Teachers
19 Insurance and Annuity Association of America ("TIAA") alleges that Defendant is a citizen of
20 Nevada and that TIAA is a Delaware corporation with its principal place of business in New
21 York, making it a citizen of those states for the purposes of diversity. But the Delaware Division
22 of Corporations does not indicate any entity called "Teachers Insurance and Annuity Association
23 of America." *See* <https://icis.corp.delaware.gov/Ecorp/EntitySearch/NameSearch.aspx>. It lists
24 "Teachers Insurance Company" and "Teachers Investment Annuity Association, Inc.," as well as

1 many entities with variations of the name "TIAA," but most of the latter entities are limited
2 liability companies or partnerships, *see id.*, whose citizenships are not controlled by their places
3 of incorporation or principal places of business, but rather by the citizenships of their members
4 or partners, *see Johnson v. Colombia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006).

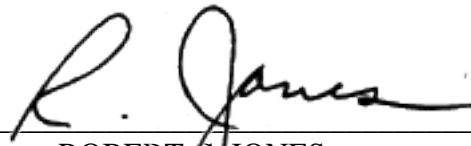
5 CONCLUSION

6 IT IS HEREBY ORDERED that Plaintiff shall have twenty-one (21) days make a more
7 definite statement as to its citizenship. Plaintiff must identify its exact name as registered with
8 the Delaware Division of Corporations, and if it is in fact a limited liability company or
9 partnership, it must identify and allege the citizenships of its members or partners. If any of
10 those members or partners are themselves limited liability companies or partnerships, Plaintiff
11 must list those entities' members or partners, etc.

12 IT IS FURTHER ORDERED that the Motion to Dismiss (ECF No. 11) and the Motion to
13 Stay (ECF No. 12) are DENIED as moot. The May 22, 2018 hearing on the Motion for
14 Preliminary Injunction (ECF No. 3) shall proceed as scheduled unless Plaintiff fails to make a
15 showing of diversity, in which case the Court will dismiss the case via separate order.

16 IT IS SO ORDERED.

17 Dated this 24th day of April, 2018.

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20 ROBERT C. JONES
21 United States District Judge
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